

Exhibit E

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1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 WESTERN DISTRICT OF PENNSYLVANIA

3
4 WONDERLAND NURSERYGOODS CO.,)
LTD.,) Civil Action No.:
5) 2:13-CV-00387
6 Plaintiff,)
-vs-) Judge Hon. Mark R.
7) Hornak
8 THORLEY INDUSTRIES, LLC,)
9)
Defendant.)

11 * HIGHLY CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY *

14 DEPOSITION OF: DANIEL CUFFARO

17 DATE: September 22, 2014
Monday, 10:00 a.m.

19 LOCATION: THE WEBB LAW FIRM
One Gateway Center
20 420 Fort Duquesne
Boulevard, Suite 1200
21 Pittsburgh, PA 15222

22 TAKEN BY: Plaintiff

24 REPORTED BY: JoAnn M. Brown, RMR, CRR
Notary Public
25 Reference No. JB35616

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1 A. Well, again, I'd say if I -- this could be a
2 tube, it could be a rod, it could be a post.

3 Q. Do you think a person of ordinary skill would
4 characterize it as a tube?

5 A. Well, if what's illustrated here were part of
6 a frame, we would probably refer to it as a
7 tubular frame, not a postular or rodular.

8 Q. Even though it's not hollow?

9 A. Well, it's a cylinder with material removed
10 from it.

11 Q. Can you point to me where there is a wall in
12 the cross-section in line 5?

13 A. No.

14 Q. There's no wall?

15 A. Not in this embodiment.

16 Q. Is there a wall in any of the uprights in
17 Hammil?

18 A. There is the wall that encloses the space.

19 Q. No, I meant on the post?

20 A. No. No.

21 Q. Now, my understanding of the position that
22 you've taken is that a person of skill in the
23 art would not need to have had any experience
24 at all in designing juvenile products, is that
25 correct?

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1 A. One.

2 Q. Page 2. I'm just referring to that because --
3 I'm sorry, page 2 of the June report.

4 A. Oh, yeah.

5 Q. Okay. It's got a convenient place where the
6 claim is laid out. That's why I'm referring
7 to that.

8 A. Okay.

9 Q. After the first line which says a baby crib
10 comprising, it says: A bed frame structure
11 including a plurality of upright tubes.

12 Now, is it your understanding that
13 based on that language that the upright tubes
14 have to be part of the bed frame structure?

15 A. They do have to be part of the structure, but
16 it's not clear that they are structural.

17 Q. What's not clear about the tubes not having to
18 be structural if they're part of the frame?

19 MR. BALDAUF: Objection that we're
20 mischaracterizing the court's claim
21 construction. This position has been
22 presented and rejected by the court already.

23 MR. ROCHE: Let's not coach the
24 witness. Let's just read the question back.

25 MR. BALDAUF: No, I think we need to